

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

CHARISSE HARRIS

18-14970-JDW

TRUSTEE'S OBJECTION TO CONFIRMATION

COMES NOW Trustee, Locke D. Barkley, by and through counsel, and files this *Trustee's Objection to Confirmation*, and in support thereof states as follows:

1. The Debtor¹ commenced this proceeding with the filing of a Chapter 13 Bankruptcy Petition December 19, 2018. The Debtor filed a proposed Amended Chapter 13 Plan (Dkt. #13) on January 18, 2019 (the "Plan").

2. The Debtor is below median income. The Plan is for a 60 month term, with a plan payment of \$661.00 bi-weekly (or \$1,432.17 per month), and no distribution to nonpriority unsecured creditors.

3. The Debtor has failed to commence plan payments as required by 11 U.S.C. § 1326(a)(1).

4. The Plan fails to comply with 11 U.S.C. § 1325(a)(1). Section 3.1(a) of the Plan is unclear. It states that the ongoing mortgage payments will be paid beginning with February 2019; however, the prepetition arrears also include the February 2019 payment. Based upon the delinquency in plan payments, the Trustee does not have sufficient funds to administer the plan.

¹ The above-referenced Debtor or Debtors shall be referred to herein in the singular as Debtor unless specified otherwise.

5. Confirmation of the Plan should be denied and the case dismissed. Should the Debtor be delinquent in plan payments at the time of the hearing on this Objection, the Trustee also requests that the bankruptcy case be dismissed.

WHEREFORE, PREMISES CONSIDERED, Trustee, Locke D. Barkley, requests that upon notice and hearing that this Court enter its order sustaining the Trustee's Objection and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: January 31, 2019

Respectfully submitted,
LOCKE D. BARKLEY, TRUSTEE

/s/ W. Jeffrey Collier
ATTORNEYS FOR TRUSTEE
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: January 31, 2019

/s/ W. Jeffrey Collier
W. JEFFREY COLLIER